

Statewide Planning Activities

The following outlines the department's statewide planning process for identifying the needs of low income and minority populations including the analytical process that identifies the benefits and burdens of the State's transportation system investments for different socioeconomic groups, identifying imbalances, and responding to the analyses produced.

Environmental Justice

Presidential Executive Order 12898, issued in 1994, directed every federal agency or one using federal funds to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations.

Based on the USDOT Order on Environmental Justice there are three fundamental principles of environmental justice, as cited in An Overview of Transportation and Environmental Justice, USDOT:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations;

Title VI of the Civil Rights Act prohibits discrimination on the basis of color, race or national origin. The Environmental Justice Executive Order continues to protect these groups but expands its umbrella to include low-income populations.

Minority and Low-Income Populations

To assess the impacts of South Dakota Department of Transportation (SDDOT) policies on the minority and the low-income populations, the existence of a population needs to be identified. The United States Department of Transportation order on Environmental Justice defines a population as:

"... any readily identifiable group of minority persons or low-income persons who live in geographic proximity; or geographically dispersed persons, such as migrant workers or Native Americans who will be similarly affected by a proposed DOT program, policy or activity."

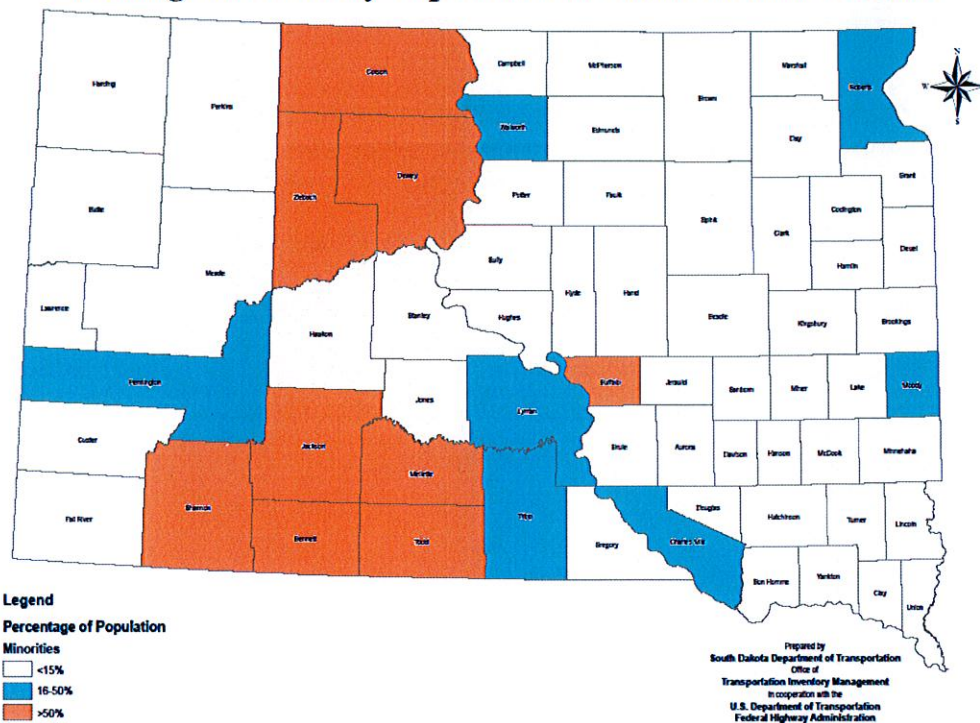
The 2010 Census County population data and the Federal Highway Administration (FHWA) defined Economically Distressed Area Map were used to identify the two environmental justice maps. The method of mapping used to understand the location and concentration of the population was the percent of minority population in a county

compared to the total population in the county and the FHWA defined Economically Distressed Area Map. Using both maps together gives a better understanding of the concentration and location of the environmental populations in South Dakota. There are many counties in South Dakota that have a high percent of environmental justice populations. For statewide analysis, the percent of environmental justice population per county is the most appropriate measure to use because it allows us to compare the relative impacts on the environmental justice population.

Figure 1 shows the percent of minorities per county. Figure 2 shows the Economically Distressed Counties according to FHWA in December 2011.

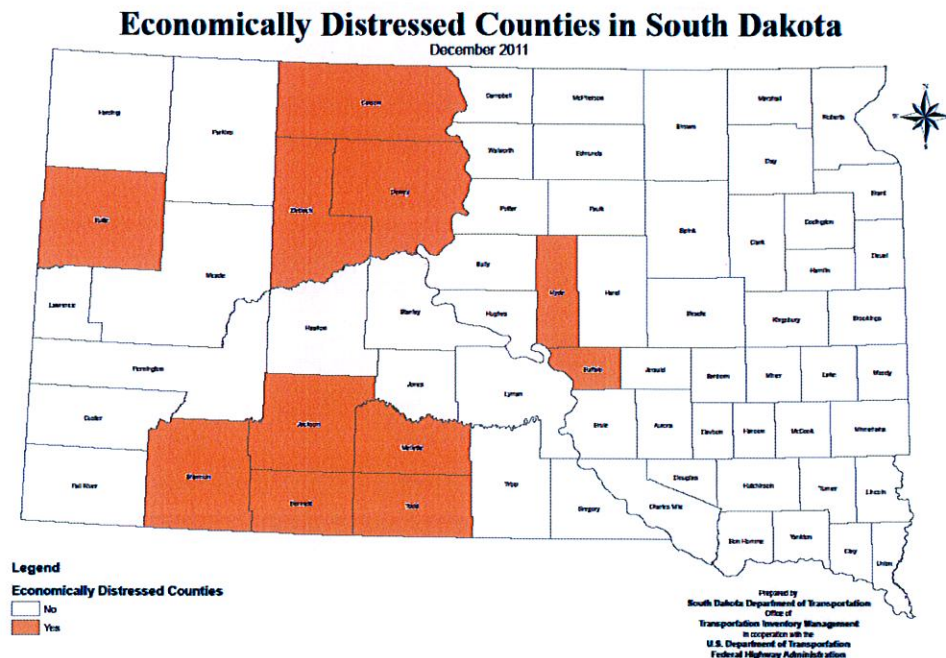
Figure 1

Percentage of Minority Population in South Dakota Counties



Source: US Census 2010

Figure 2



Source: FHWA

Minority Populations

The 2010 census data shows that:

- Minority population was 14.1 percent of the total population in South Dakota;
- There are nine tribal governments in South Dakota. The greatest percentage of minority population in South Dakota is in the counties where the Indian Reservations, tribal trust lands and tribal headquarters are located. The Native American population in South Dakota was 71,648 people or 8.8 percent of the total population of the state which accounts for 62 percent of the total minority population;
- Of the total Native American population in South Dakota approximately 50 percent live in Indian Reservation counties;
- In Minnehaha County, which is in the Sioux Falls Metropolitan Planning Area, the percent of minority population was 12 percent, which accounts for 17.49 percent of the total South Dakota minority population;
- In Pennington County, which is in the Rapid City Metropolitan Planning Area, the percent of minority population was 17 percent, which accounts for 14.76 percent of the total South Dakota minority population;
- Out of the total minority population in South Dakota approximately one third live in the Sioux Falls and Rapid City Metropolitan Planning Areas;

- Approximately 95 percent of the minority population in South Dakota either lives in an Indian Reservation, tribal trust land, or tribal headquarters county; or in the Rapid City or Sioux Falls Metropolitan Planning Area.

Low-Income Populations

The SDDOT uses the 'Economically Distressed Area Map' to identify low income areas:

- The majority of the Economically Distressed areas identified in Figure 2 are the counties where the Indian reservations are located;
- The Minority Population Map and Economically Distressed Area Map are very similar with the exception of a few counties;
- In the Metropolitan Planning Organization (MPO) areas, the SDDOT will use the MPOs Long Range Transportation Plan to identify the low income areas;

Analytical Process

The SDDOT is in preservation mode and is not currently planning on constructing any new roadways that have not already gone through the National Environmental Policy Act (NEPA) process. Preservation represents a proactive approach in maintaining our existing highways to reduce costly rehabilitation and reconstruction projects. The SDDOT selects preservation projects by using a pavement management and bridge management system. This process eliminates any bias during project selection because decisions are made based on the analytical analysis using data collected, funding available and the condition of the pavement and bridges. After the analytical analysis and preliminary project selection, the SDDOT follows its public participation and consultation process, described later in this document, to finalize the project selection for the Statewide Transportation Improvement Program (STIP). After final selection of the projects, the SDDOT proceeds with the NEPA process which also considers Environmental Justice.

The major growth areas in South Dakota are in the Sioux Falls and Rapid City Metropolitan Planning Areas. Through agreements, the SDDOT has transferred most of the roadways in the Sioux Falls urbanized area to the City of Sioux Falls. This reduces the SDDOT Environmental Justice impacts in Sioux Falls because the amount of state owned roadways in the urbanized area is low. The SDDOT has no plans of constructing new roadways in the Rapid City or Sioux Falls MPO area which haven't already gone through the NEPA process. If new alignments or capacity expansion projects are planned, the SDDOT will follow the NEPA and planning process to ensure environmental justice is evaluated.

SDDOT-Transit extends application opportunities for operating grants (program funds) each year; however the development of two or more projects within the same rural community is not allowed to encourage coordination and reduce duplication at the local level. Program funds may be granted to State agencies, local public bodies and agencies thereof, nonprofit organizations, Indian Tribes and groups, and operators of public transportation service agreements with any nonprofit public body. Program funds

are granted to meet a statewide objective of improving mobility of people in nonurbanized (population less than 50,000) areas for purposes of nutrition, health care, shopping, education, recreation, public services and employment without regard to income or minority status. All applicants must be able to justify local fund sources required to match federal operating funds and meet administrative requirements to receive the program funds.

A major policy of SDDOT-Transit is to make ongoing transportation services open to the general public for both private and special service providers with Section 5311 funds. This policy allows SDDOT to make a statewide distribution of limited Section 5311 funds since SDDOT-Transit is typically not able to fully fund applicants due to funding shortfalls. Funding shortfalls are handled by across-the-board cuts after individual requests are made, and after reviewing previous years' expenses and current request. In the event contracts are reduced with subgrantees due to funding shortages, subgrantees are advised to make reductions in service in a non-discriminatory manner; such as a reduction in hours a system operates instead of reducing service to a certain classification of people (such as the general public without disabilities) or trip characteristics (such as a social outing). Subgrantees are advised that the needs of all populations are weighed equally to meet the requirements of Section 5311 funding.

SDDOT-Transit contracts directly with two tribes (Rosebud Sioux Tribe, Standing Rock Sioux Tribe), and funds non-profit organizations that serve three others (Sisseton Wahpeton Oyate, Flandreau Santee Sioux Tribe, Yankton Sioux Tribe). Three tribes are direct recipients to the FTA (Oglala Sioux Tribe, Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe) and two of these Tribes contract with a non-profit subgrantee to SDDOT-Transit for their service.

Public Involvement and Environmental Justice Populations

SDDOT is committed to involving members of the public throughout the state in the development and implementation of its plans and programs. According to SDDOT's public involvement plan, the SDDOT seeks to productively work with the people of South Dakota to:

- Identify approaches and activities to encourage public input;
- Disseminate Information received;
- Obtain Public Input;
- Involve stakeholders, especially underserved;
- Consult with stakeholders, resource agencies and Tribes;
- Evaluate Public Participation;

South Dakota works closely with nine Tribes in South Dakota on the planning and environmental process. Each year, SDDOT representatives travel to consult with tribal representatives on the statewide transportation improvement program and the Statewide Transportation Plan updates (as needed). The SDDOT presents the projected five year project specific plan to get their input and concerns as it relates to

historic preservation, environmental issues and coordination. The consultation is an exchange of information and is vital to keeping the projects on schedule. In addition, the tribes are invited for consultation at a tribal STIP meeting to give project specific comments on projects programmed for the next five years. When the SDDOT does a Statewide Transportation Plan update, the SDDOT consults with the Tribes to receive comments on the policies identified in the plan.

When conducting a transportation study, the SDDOT evaluates the demographics and socioeconomic impacts in the study area to determine if there are environmental justice concerns that need to be addressed. In situations where a high density of minorities has been identified, the SDDOT has hired translators and made brochures available for the identified minority. The SDDOT also does additional public outreach which solicits input from the minority group(s) and develops a solution that provides the least impacts and still provide the services needed.

In the Metropolitan Planning Areas of Rapid City and Sioux Falls, the SDDOT reviews the Metropolitan Planning Organization's Long Range Transportation Plan's environmental justice section to get additional information for analysis. This also guides the decision making and public participation process.

The SDDOT has identified levels for communication and participation, which consists of:

- **Inform the public** – to provide objective, balanced information to assist the public in understanding issues, planning, and program efforts;
- **Consideration of public input** – to take into account opinions, actions, or information from others;
- **Consultation with stakeholders, resource agencies and Tribes** – to confer periodically and consider each other's views prior to acting and report actions afterward;
- **Cooperation** – work together to achieve a common goal or purpose;
- **Coordination** – compare plans, programs, and schedules, and adjust them for general consistency;